

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF THE STATE OF WASHINGTON

SUSAN SAGEWOOD, an individual
Plaintiff,

v.

CLALLAM COUNTY, a Washington
municipality,

Defendant.

CASE NO.

COMPLAINT

JURY DEMAND

I. PARTIES, JURISDICTION AND VENUE

1.1 Plaintiff, Susan Sagewood (“Ms. Sagewood”), is an individual residing in Clallam County, Washington.

1.2 Defendant Clallam County (“County”) is a Washington municipality.

1.3 This Court has original jurisdiction in this matter pursuant to 28 U.S.C. §1331.

COMPLAINT – 1
Case No.:

VANGUARD LAW
PO BOX 939
POULSBORO, WA 98370
Office (206) 488-8344

1 1.4 Venue is proper in the United States District Court for the Western District of the
2 State of Washington pursuant to 28 U.S.C. §1391.

3
4 **II. FACTUAL ALLEGATIONS**

5 2.1 Ms. Sagewood was employed by the Clallam County Public Works Department as
6 a Customer Service Specialist IV.

7 2.2 From August of 2020 through December of 2020, Ms. Sagewood was extremely ill
8 and had a disability.

9 2.3 Ms. Sagewood suffered from many debilitating symptoms that prevented Ms.
10 Sagewood from working.

11 2.4 On January 5, 2021, Ms. Sagewood was released to return to work on a part-time
12 basis transitioning from two days per week (in January and February) to three days per week in
13 March.

14 2.5 After Ms. Sagewood's return to work, co-workers treated Ms. Sagewood poorly
15 and there was "office chatter" around Ms. Sagewood's disability even though Ms. Sagewood
16 performed well at work.

17 2.6 On May 26, 2021, Ms. Sagewood spoke with County Engineer Ross Tyler ("Mr.
18 Tyler").

19 2.7 Suddenly, and for the first time, Mr. Tyler insisted that the position was a full-time
20 position.

21 2.8 Ms. Sagewood asked about his sudden change in his willingness to accommodate
22 her disability and he confirmed that there had been "office chatter," stating "you know how it is
23 out there."
24
25
26

1 2.9 On June 1, 2021, Ms. Sagewood met with human resources and expressed a concern
2 that there was disability discrimination in the workplace.

3 2.10 The human resources department never investigated these concerns nor did they
4 give Ms. Sagewood any opportunity to provide additional information.

5 2.11 On June 8, 2021, Ms. Sagewood saw her doctor.

6 2.12 On June 8, 2021, Ms. Sagewood's doctor approved Ms. Sagewood's transition to a
7 four-day workweek as the next step in transitioning back to full-time work.

8 2.13 On June 9, 2021, human resources analyst Brenda Wenzl ("Ms. Wenzl") gave the
9 deadline for the accommodation request form of June 10, 2021, at 9:00 a.m.

10 2.14 On June 10, 2021, Ms. Sagewood expressed her belief that she was being railroaded
11 and undermined by her co-workers and supervisor.

12 2.15 At approximately 2:30 p.m. County Administrator Rich Sill met with Ms.
13 Sagewood and Ms. Wenzl.

14 2.16 Specifically, Ms. Sagewood was given two choices: (1) return to work full-time on
15 June 11, 2021; or (2) be terminated effective immediately.

16 2.17 Ms. Sagewood was not provided with any opportunity to engage in the interactive
17 process prior to her separation of employment.

18 2.18 Ms. Sagewood was not provided with any pre-separation hearing.

19 2.19 As a result of the County's ongoing violations of the law, Ms. Sagewood has
20 suffered extensive economic and non-economic damages.

21 2.20 On or about December 20, 2021, Ms. Sagewood presented the required tort claim
22 to the County.

III. FIRST CAUSE OF ACTION

Procedural Due Process Clause The United States Constitution

3.1 Plaintiff realleges paragraphs 1.1 through 2.20 as though fully set forth herein.

3.2 Defendant's actions and/or omissions constitute denial of procedural due process under the Fifth Amendment and/or Fourteenth Amendment to the United States Constitution.

3.3 As a result of Defendant's violations of the law, Plaintiff has been damaged in an amount to be proven at trial.

IV. SECOND CAUSE OF ACTION

**Disability Discrimination and Failure To Provide Reasonable Accommodation
Washington Law Against Discrimination
RCW 49.60.180**

4.1 Plaintiff realleges paragraphs 1.1 through 3.3 as though fully set forth herein.

4.2 Defendant's actions and/or omissions constitute a violation of the Washington Law Against Discrimination ("WLAD"), RCW 49.60.180, as the County has repeatedly discriminated against Ms. Sagewood as a qualified individual on the basis of her disability, including without limitation its ongoing failure to provide a reasonable accommodation as required by law.

4.3 As a result of Defendant's violations of the law, Plaintiff has been damaged in an amount to be proven at trial.

V. THIRD CAUSE OF ACTION

**Retaliation
Washington Law Against Discrimination
RCW 49.60.210**

5.1 Plaintiff realleges paragraphs 1.1 through 4.3 as though fully set forth herein.

5.3 As a result of Defendant's violations of the law, Plaintiff has been damaged in an amount to be proven at trial.

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury of all issues.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order granting the following relief:

1. An order finding that Defendant violated Plaintiff's due process rights;
2. An order finding that Defendant discriminated against Plaintiff because of her disability in violation of the WLAD, RCW 49.60.180;
3. An order finding that Defendant retaliated against Plaintiff pursuant to RCW 49.60.210;
4. An order granting Plaintiff an award of damages for all forms of economic losses and non-economic losses, including without limitation specific damages and general damages for mental anguish, emotional distress, and pain and suffering in an amount to be proven at trial;
5. An order granting Plaintiff her reasonable attorney's fees and costs pursuant to RCW 49.60.030(2);
6. Pre-judgment and post-judgment interest under the above referenced statutes; and

1 7. Such other and further relief as the Court deems just and equitable.

2
3 RESPECTFULLY SUBMITTED this 22nd day of November, 2022.

4 VANGUARD LAW

5
6 By /s/ Spencer Nathan Thal

7 Spencer Nathan Thal, WSBA 20074

8 Vanguard Law

9 PO Box 939

10 Poulsbo WA 98370

11 Telephone: (206) 488-8344

12 Facsimile: (360) 626-1919

13 Email: spencer@vanguardlawfirm.com

14 Attorney for Plaintiff

15 By /s/ Zachariah Nathan William Thal

16 Zachariah Nathan William Thal, WSBA 55462

17 Vanguard Law

18 PO Box 939

19 Poulsbo WA 98370

20 Telephone: (206) 818-2499

21 Facsimile: (360) 626-1919

22 Email: zach@vanguardlawfirm.com

23 Attorney for Plaintiff